

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

ADNREW KASNETZ

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CASE NO. 3:18-CR345

**UNOPPOSED MOTION TO CONTINUE TRIAL  
AND PRETRIAL DEADLINES**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Andrew Kasnetz, Defendant in the above-captioned matter, and files this, his *Unopposed Motion to Continue Trial and Pretrial Deadlines*, and in support would respectfully show:

1. This case presently is set for jury trial on January 25, 2021, at 9:00 a.m. [ECF 70]
2. The Superseding Indictment was returned less than two months ago on September 22, 2020. [ECF 81] This is a 3-count, 9-page indictment. *Id.* Defendant's counsel, James S. Bell and Connor Nash, moved to withdraw on August 25, 2020, to which Defendant objected. [ECF 73] The Court granted the Motion to Withdraw on September 9, 2020. [ECF 75] Defendant's counsel, Michael Todd, moved to withdraw on September 21, 2020. [ECF 78] The Court ordered Michael Todd to file an amended motion, which was filed on October 23, 2020, and granted on November 3, 2020. [ECF 80, 82, 84]
3. Since the motions to withdraw were filed and during their pendency, Defendant effectively had no counsel to act as his advocate.
4. Undersigned counsel was hired and appeared in this case on November 2, 2020,

and has worked diligently to prepare Defendant's case for trial. [ECF 83]

5. The factual background of this case is intricate, and the discovery sizeable. Counsel for Defendant has received a significant amount of discovery from prior counsel, but it is unclear, given the number of prior attorneys on this case and the significant number of discovery productions and supplements already having been made, whether counsel is in possession of all of the discovery. Counsel has been in contact with the Assistant United States Attorney assigned to this case, and the United States Attorney's Office has assured counsel that it is uploading everything in its possession on today's date, and that the government believes counsel should have most of the discovery already.

6. Defendant has requested additional discovery from the government based upon the information contained in the production to date. Some of this discovery may have already been provided, but pursuant to conversations with the AUSA's office, undersigned counsel understands that additional production is forthcoming. The Government has advised that it is producing some additional discovery today.

7. Significantly, Defendant's counsel and expert require adequate time to review the processed and uploaded discovery in this complex case. It is not reasonable to expect counsel to prepare motions and designate experts, and to begin trial preparation, before discovery production is completed and there is an adequate period for review of the discovery.

8. Further, Defendant requires two surgeries which must be six months apart. First, Defendant requires a GERD surgery where a portion of Defendant's stomach will be removed. Second, Defendant requires heart surgery for which his doctor has advised him to avoid delay.

9. The failure to grant a continuance in this case would deny the undersigned reasonable time necessary for due diligence and effective preparation, taking into account the

amount of discovery and the complexity of the factual and legal issues involved.

10. Additionally, counsel has a two-month old child at home, and given the Covid-19 pandemic,<sup>1</sup> and the news reports that a vaccine may be available in early spring of 2021, counsel believes that a continuance to a date after the vaccine is expected to be widely available will be in the best health interests of all parties, including and most specifically, counsel's newborn son.

11. Defendant has been informed of, and affirmatively waives, his rights to a speedy trial under the Speedy Trial Act and under the United States Constitution. This Motion to Continue is made pursuant to 18 U.S.C. § 3161(h)(7) and is not made for purposes of delay but only so that justice may be done.

12. Defendant believes that, under the circumstances described herein, a 180-day continuance would be appropriate.

### **Conclusion and Prayer for Relief**

WHEREFORE, for the reasons and authorities stated in this motion and memorandum, Defendant respectfully requests this Honorable Court grant this Unopposed Motion for Continuance and continue the trial date and the pretrial deadlines to dates the Court deems appropriate given the substantial demands of this complex case. Defendant further respectfully requests that any and all other necessary and appropriate relief be granted to affect this Motion.

Respectfully submitted,

SAPUTO, PLLC

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<sup>1</sup> The CDC has declared heightened public health standards including limiting gatherings to no more than ten persons. See [www.cdc.gov](http://www.cdc.gov). The unpredictable and novel affect of the Corona Virus has halted commerce and created delays in each industry across the country, including the legal profession. This is shown by Special Order No. 13-18 entered by Chief Judge Lynn on November 18, 2020.

/s/ Paul Saputo

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ATTORNEY FOR DEFENDANT

### **CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that a copy of the foregoing Defendant's *Unopposed Motion to Continue Trial and Pretrial Deadlines* was served by filing electronically, utilizing the CM/ECF system currently in operation by this Court, which CM/ECF system will automatically notify the assigned prosecutor at the United States Attorney's Office for the Northern District of Texas. The electronic case filing system will send a Notice of Electronic Filing to opposing counsel of record.

SAPUTO PLLC

/s/ Paul Saputo

By: Paul Saputo

### **CERTIFICATE OF CONFERENCE**

I certify that I have conferred with the Assistant United States Attorney assigned to this case, Shane Read, and he has indicated that he is unopposed to a continuance of this cause.

/s/ Paul Saputo

**Paul Saputo**